

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	
)	CASE NO.: 10-68797-mhm
WANDA RENEE TYREE,)	
)	CHAPTER 7
Debtor.)	
_____)	
)	
WANDA RENEE TYREE,)	CONTESTED MATTER
)	
Movant,)	
)	
vs.)	
)	
GABRIEL GUZMAN and HAIT &)	
EICHELZER,)	
)	
Respondents.)	

**MOTION FOR CONTEMPT FOR FAILURE TO COMPLY WITH THE ORDER
ENTERED ON SEPTEMBER 27, 2010**

COMES NOW Wanda Renee Tyree, Debtor in the above-captioned chapter 7 proceeding and Movant in the above-captioned contested matter, and moves this Court to find Respondents in contempt of the Court's Order entered September 27, 2010, and shows this Court as follows:

1.

Debtor filed a *Motion for Contempt for Violation of 11 U.S.C. § 362* on April 13, 2010, amended on April 13, 2010 and April 14, 2010. This matter came on for hearing on April 19, 2010. At the Court's direction, Debtor and Respondents filed post-hearing briefs. On September 27, 2010, the Court entered an order granting the motion for contempt and directing turnover of certain personal property (the "Order") consisting of household goods and a vehicle (hereinafter "the Property") in Respondents' possession or control.

2.

The Order requires Respondents to “[w]ithin 14 days of the entry of this order...take the steps necessary to effect a turnover of the Property to the Chapter 7 Trustee, including, if necessary, the payment of all storage fees required to obtain a release of the Property.”

3.

Upon information and belief, as of Thursday, October 28, 2010, thirty-one (31) days from entry of the Order, Respondents have not complied with the Order.¹ The Property has not been turned over to the Chapter 7 Trustee or to the Debtor.

WHEREFORE Debtor moves this Court to:

- (A) Hear this matter;
- (B) to Require Respondents to show cause at such time as to why they have failed to comply with the Order in the time set forth therein;
- (C) to Find Respondents in contempt of this Court; and
- (D) to Award sanctions for noncompliance, including, but not limited to, attorneys’ fees and costs for prosecuting this Motion, and any such other relief as this Court deems just and proper.

This 28th day of October, 2010.

[signature on following page]

¹ Respondents have previously contended that they were not served initially with the Order; even if correct, Respondents received actual notice of the Order’s entry on October 7, 2010, when Debtor’s counsel filed with the Court and served by email Movant’s Statement of Damages. Twenty-one (21) days have passed since October 7.

THE ROTHBLOOM LAW FIRM

/S/

HOWARD D. ROTHBLOOM

Georgia Bar No. 915670

ADAM D. HERRING

Georgia Bar No. 441119

31 Atlanta St.

Marietta, GA 30060

(770) 792-3636

(770) 792-3281 (fax)

howard@rothbloom.com

adam@rothbloom.com

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CERTIFICATE OF SERVICE

This is to certify that I have this day filed a true and correct copy of the within and foregoing Motion for Contempt with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following:

Edwin K. Palmer
Chapter 7 Trustee
P.O. Box 1284
Decatur, GA 30031

I have served the following a true and accurate copy via electronic mail and U.S. mail with adequate first class postage affixed thereto:

Khristie L. Kelly
Law Office of Robert S. Toomey, PC
708 N. Tennessee St.
Cartersville, GA 30120
khristie@toomeylaw.com

Hait & Eichelzer
185 Stockwood Dr., Ste. 100
Woodstock, GA 30188
Fax: (770) 517-0350
kentike@bellsouth.net and legaljacket@mac.com

This 28th day of October 2010.

THE ROTHBLOOM LAW FIRM

/s/

ADAM D. HERRING
Georgia Bar No. 441119
31 Atlanta St.
Marietta, GA 30060
770-792-3636 (voice)
770-792-3281 (facsimile)
adam@rothbloom.com